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Counsel for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

This Document Relates to:

Jessi Watt v. Uber Technologies, Inc., et al;
3:25-cv-04704-CRB

C.M. v. Uber Technologies, Inc., et al; 3:24-cv-
05182-CRB

Case No.: 3:23-md-03084-CRB

Hon. Charles R. Breyer

**PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS
CASES FOR FAILURE TO COMPLY
WITH PTO 10**

Date: February 13, 2026

Time: 10:00 a.m.

Courtroom: 6 – 17th Floor

1. INTRODUCTION

On December 19, 2025, Defendants filed a Motion to Dismiss the claims of the above-captioned Plaintiffs on the grounds that Plaintiffs have failed to comply with Pretrial Order (“PTO”) No. 10. See *Docket No. 4737*. PTO 10 establishes procedures and deadlines related

1 to the production of Plaintiff Fact Sheets. *See Docket No. 348.*

2 II. ARGUMENT

3 **A. Plaintiff Watt has a Motion to Withdraw pending and dismissal would be** 4 **premature.**

5 Due to Plaintiff Watt's unresponsiveness and inability to meet her discovery obligations,
6 Counsel for Plaintiff sent Defendants notice of our intent to withdraw from representation on
7 December 3, 2025. Decl. ¶ 8. Counsel filed a Motion to Withdraw on December 5, 2025,
8 which remains pending before the Court. Decl. ¶ 9. *See Docket No. 4573.* Dismissal of
9 Plaintiff's case would be premature and unduly prejudicial because of the pending Motion to
10 Withdraw. Therefore, Defendants' Motion to Dismiss Plaintiff Watt's case should be denied.

11 **B. Plaintiff C.M. is in full compliance with PTO 10 and Defendants' Inclusion of this** 12 **Plaintiff on their Motion is Improper.**

13 Plaintiff C.M. has diligently produced all of the required discovery documents and met her
14 discovery obligations under PTO 10. However, Defendants' claim that Plaintiff's Fact Sheet
15 ("PFS") is deficient because Plaintiff has failed to produce text messages referenced in
16 response to Question 15 of her PFS. This alleged deficiency is immaterial as Plaintiff states in
17 her response to Question 20 that she changed her phone number shortly after the incident. This
18 is a clear and sufficient response explaining why these text messages no longer exist.
19 Defendants have no basis to raise this alleged deficiency, and it is simply harassing.
20

21 Plaintiff's Counsel met and conferred with Defendants on this issue on December 5, 2025.
22 Decl. ¶ 13. During this meeting, Counsel reiterated that C.M. no longer possess the text
23 messages. Decl. ¶ 13. As Plaintiff has completely and adequately responded to all questions in
24 her PFS, a further PFS amendment is not warranted. On December 19, 2025, Defendants sent
25 a communication memorializing the December 5th meet and confer, in which they state that
26 they would consider this deficiency cured if Plaintiff could either produce the text messages,
27 which they already know is not possible, or if Plaintiff explained why they were unavailable
28

1 in response to Question 20 of a Verified Amended PFS. Decl. ¶ 14. That very same day,
2 Defendants filed this Motion to Dismiss. Decl. ¶ 14.

3 Defendants are abusing the discovery process and wasting the Court's time and resources
4 by filing these motions without any actual material PFS deficiencies. Dismissal of the claim
5 is a harsh remedy for a Plaintiff who has fully complied with her obligations under PTO 10.
6

7 III. CONCLUSION

8 For the foregoing reasons, Plaintiffs respectfully request that the Court deny Defendants'
9 Motion to Dismiss.

10
11 Dated: December 31, 2025

Respectfully Submitted by:

12 /s/ Rachel Abrams

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CERTIFICATE OF SERVICE

I hereby certify that, on December 31, 2025, I electronically filed the following with the Clerk of the Court using the CM/ECF System, which will send notification of such filing via electronic mail to all counsel of record as maintained in the CM/ECF electronic system.

Dated: December 31, 2025

Respectfully Submitted by:

/s/ Rachel Abrams

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